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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,502	08/31/2000	Leon Wong	13768.138	3677
22913	7590	04/21/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			GOLD, AVI M	
		ART UNIT		PAPER NUMBER
		2157		
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/652,502	WONG ET AL.
	Examiner Avi Gold	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

This amendment received on February 4, 2004 had be entered and fully considered.

Response to Amendment

Claim Objections

1. Claim 1 objected to because of the following informalities: "status for and send and receive electronic messages" in preamble needs to be changed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-14, 16-22, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeyachandran, U.S. Patent No. 6,141,662.

Jeyachandran teaches the invention as claimed including a file management apparatus for storing and managing files and a method therefor (see abstract).

Regarding claim 1, at a server computer system that is network connectable to a plurality of client computer systems, at least first and second client computer systems being configured to indicate a status for and send and receive electronic messages for an electronic messaging user, a method for updating a master status of the electronic messaging user notwithstanding that the first client computer system and second client computer system may indicate different statuses for the electronic messaging user, the master status being the status that is reflected to other client computer systems, the method comprising:

maintaining a first view status for the electronic messaging user, the first view status indicating the status of the electronic messaging user as detected at the first client computer system (col. 31, lines 62-67; col. 32, lines 1-8; Jeyachandran discloses an information processing apparatus in Tokyo);

maintaining a second view status for the electronic messaging user, the second view indicating the status of the electronic messaging user as detected at the second client computer system (col. 31, lines 62-67; col. 32, lines 1-8; Jeyachandran discloses an information processing apparatus in Osaka);

receiving a first status update from the first client computer system, the first status update indicating that the first client computer system has detected a change in the status of the electronic messaging user (col. 31, lines 62-67; col. 32, lines 1-8; Jeyachandran discloses an information processing apparatus in Tokyo receiving presence data that a user is near an information processing apparatus in Osaka);

in response to receiving the first status update, evaluating at least the first status update, the first view status and the second view status according to specified status rules to determine the master status of the electronic messaging user (col. 32, lines 9-42; Jeyachandran discloses an information processing apparatus determining correct user presence); and

storing the master status in a master view corresponding to the electronic messaging user such that an appropriate status for the electronic messaging user is provided to other electronic messaging users (col. 32, lines 9-42; Jeyachandran discloses correct presence data added to the task table).

Regarding claim 2, a method as defined in claim 1, further comprising:
associating a first view identifier with the first view status; and
associating a second view identifier with the second view status. (col. 31, lines 62-67; col. 32, lines 1-42; Jeyachandran discloses separate presence data associated with each client).

Regarding claim 3, a method as defined in claim 1, further comprising:
updating the first view status in accordance with the first status update (col. 32, lines 9-42).

Regarding claim 4, a method as defined in claim 1, wherein evaluating further comprises determining whether the master status should reflect the first status update (col. 32, lines 9-42).

Regarding claim 5, a method as defined in claim 1, further comprising reflecting the master status to at least one client computer system associated with another electronic messaging user (col. 32, lines 9-42).

Regarding claim 6, a method as defined in claim 1, wherein storing further comprises changing the master status to the status indicated in the first status update (col. 32, lines 9-42).

Regarding claim 7, a method as defined in claim 1, wherein storing further comprises the step of retaining the master status even though the status indicated in the first status update differs from the master status (col. 38, lines 52-67; col. 39, lines 1-25; Jeyachandran discloses presence staying the same when a contradiction occurs).

Regarding claim 8, a method as defined in claim 1, wherein evaluating further comprises changing the master status according to a priority system (col. 38, lines 52-67; col. 39, lines 1-25; Jeyachandran discloses use of a password to update with proper presence).

Regarding claim 18, a computer-readable medium having computer executable instructions for performing the method recited in claim 10 (col. 28, lines 22-57; Jeyachandran discloses an instruction operation).

Claims 10-14, 16-17, 19-22, and 24-26 do not teach or define any new limitations above claims 1-8 and 18 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeyachandran in view of Aravamudan et al., U.S. Patent No. 6,301,609 in view of Auerbach et al., U.S. Patent No. 6,549,937 further in view of Munday et al., U.S. Patent No. 6,480,593.

Jeyachandran teaches the invention substantially as claimed including a file management apparatus for storing and managing files and a method therefor (see abstract).

As to claim 9, Jeyachandran teaches the method of claim 8.

Jeyachandran fails to teach the limitation further including changing the master status to offline if the first status update indicates the electronic messaging user is

invisible; refraining from changing the master status if the first status update indicates the electronic messaging user is offline; refraining from changing the master status if the first status update indicates the electronic messaging user is idle; changing the master status to offline if the first status update indicates the electronic messaging user is offline and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is offline; and changing the master status to idle if the first status update indicates the electronic messaging user is idle and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is idle or offline.

However, Aravamudan teaches the use of instant messaging in conjunction with access to data and communication network channels and modes (see abstract). Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15) but fails to teach the use of changing the master status to offline if the first status update indicates the electronic messaging user is invisible; and refraining from changing the master status if the first status update indicates the electronic messaging user is idle.

However, Auerbach teaches a system and method for multi-protocol communication in a computer network (see abstract). Auerbach teaches the use of "blocking" selected individuals (col. 8, lines 54-67; col. 9, lines 1-6).

Aravamudan and Auerbach fail to teach the use of refraining from changing the master status if the first status update indicates the electronic messaging user is idle.

However, Munday teaches a communications system automatically diverting calls when user is not present (see abstract). Munday teaches the use of keeping the main status when a computer is determined idle (col. 4, lines 51-67; col. 5, lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jeyachandran in view of Aravamudan to refrain from changing the master status if the first status update indicates the electronic messaging user is offline; change the master status to offline if the first status update indicates the electronic messaging user is offline and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is offline; and change the master status to idle if the first status update indicates the electronic messaging user is idle and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is idle or offline. One would be motivated to do so because it would result in the most accurate presence for a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jeyachandran in view of Auerbach to change the master status to offline if the first status update indicates the electronic messaging user is invisible. One would be motivated to do so because it would allow a user to prohibit other user's view of their presence.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jeyachandran in view of Munday to refrain from changing the master status if the first status update indicates the electronic messaging user is idle. One would be motivated to do so because it would allow a user to always appear available at their computer.

Claims 15, 23, and 28 do not teach or define any new limitations above claim 9 and therefore are rejected for similar reasons.

Response to Arguments

6. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,564,261 to Gudjonsson et al.

U.S. Pat. No. 6,519,639 to Glasser et al.

U.S. Pat. No. 6,148,328 to Cuomo et al.

U.S. Pat. No. 5,943,478 to Aggarwal et al.

U.S. Pat. No. 5,909,543 to Tanaka et al.

U.S. Pat. Pub. No. 2002/0198952 to Bell.

U.S. Pat. No. 6,463,471 to Dreke et al.

U.S. Pat. No. 5,825,864 to McGraw et al.

U.S. Pat. No. 5,757,901 to Hiroshige.

U.S. Pat. No. 6,697,840 to Godefroid et al.

U.S. Pat. No. 5,315,636 to Patel.

U.S. Pat. No. 6,678,719 to Stimmel.

U.S. Pat. No. 6,668,167 to McDowell et al.

U.S. Pat. No. 5,596,633 to Meier et al.

U.S. Pat. No. 6,389,127 to Vardi et al.

U.S. Pat. No. 6,473,098 to Wakai et al.

U.S. Pat. Pub. No. 2001/0042126 to Wong et al.

U.S. Pat. No. 6,658,095 to Yoakum et al.

U.S. Pat. No. 6,668,173 to Greene.

U.S. Pat. Pub. No. 2002/0019942 to Wakai et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold
Patent Examiner



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